

State of Wisconsin \ Government Accountability Board

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MEMORANDUM

DATE: July 15, 2013

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Election Commission
City of Milwaukee Election Commission

FROM: Michael Haas
Elections Division Administrator

Brian Bell, MPA
Elections Data Manager

SUBJECT: Requirements for and Importance of Election Data Reporting

At its March 20, 2013 meeting, the Government Accountability Board accepted the recommendation of the Clerks Concerns Task Force and G.A.B. staff to better communicate to election officials why certain election information is required, as well as to help educate clerks on the distinction between legislative requirements (both State and Federal), and the G.A.B. policies implemented to meet those requirements. This memorandum is intended to help clarify why certain information must be entered into SVRS, WEDCS, or other systems, and how that data is used.

The election administration process has evolved. State and local election officials are required to track and gather more data than ever before. We understand that this adds to your already substantial workload. There are three foundations for this required information: federal requirements, state statute requirements, and G.A.B. policy.

Federal Laws

The Help America Vote Act of 2002 (HAVA) requires states to maintain a statewide voter registration database. Wisconsin developed and implemented the Statewide Voter Registration System (SVRS) to comply with HAVA. Another requirement of HAVA is that certain information be publically available to voters, such as the ability to check their voter registration status, find their polling place, view their sample ballot, and see their voting history. In order to meet these requirements, the G.A.B. originally created the Voter Public Access (VPA) website, which has been replaced by MyVote Wisconsin. Both VPA, and now MyVote Wisconsin, rely on the data entered into SVRS. In other words, the data displayed on MyVote Wisconsin comes directly from what is entered into SVRS.

HAVA also requires that the U.S. Elections Assistance Commission (EAC), which was created through HAVA, collect information and conduct research about election administration. The

EAC's most extensive report is the Election Administration and Voting Survey (EAVS). The 2012 version of the EAVS includes 49 questions, covers 30 pages, and is comprised of more than 600 data points. For comparison, the 2012 Presidential and General Election version of the GAB-190 form contained only 15 questions. The G.A.B. completes the EAVS on behalf of all Wisconsin municipalities and counties using the data entered in the Wisconsin Election Data Collection System (WEDCS) and SVRS. The G.A.B. also uses information from SVRS and WEDCS to complete other federal reporting requirements of the Federal Voting Assistance Program (FVAP), and the United States Department of Justice (USDOJ).

HAVA also requires that voters must be able to look up the status of their provisional ballot. Clerks are required to enter provisional ballots on election night into the ElectionData CRM website. This information in CRM is linked to MyVote Wisconsin, thereby allowing voters to look up their provisional ballot status by entering into that website their name or the provisional ballot number that was assigned at the polling place.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voting Act (MOVE) are federal laws that outline certain requirements for military and overseas voters. One of these requirements is to transmit absentee ballots to UOCAVA voters no later than the 45th day before a federal election, if the voter has a valid absentee request on file at that time.

The MOVE Act also requires that UOCAVA voters be able to check the status of their absentee ballot online. Wisconsin meets this requirement by having municipal clerks or their providers track all military and permanent overseas absentee ballots in SVRS (by using the full absentee functionality or Absentee Lite). This information is then available to UOCAVA voters through the MyVote Wisconsin website.

State Laws

Related to the Federal MOVE Act, Wis. Stat. §7.15 requires county clerks and election commissions to make ballots available to municipal clerks and municipal election commissions by the 48th day before federal elections and the 22nd day before non-federal elections, so that ballots may be transmitted to any voter with a request on file by the 47th day prior to a federal election, or the 21st day before a non-federal election. This means that clerks must have all contests and candidates entered into SVRS prior to when ballots must be available so that voters can view their sample ballot and UOCAVA voters can access their absentee ballot online through the MyVote Wisconsin website.

Wis. Stat. §6.36 defines what information is required in SVRS. This statute requires that the G.A.B. *"compile and maintain electronically an official registration list"* and that it contains the following for each voter:

- Name
- Address
- Date of birth
- Ward and aldermanic district
- A unique voter registration number (assigned by the board through SVRS)
- Driver license or DOT-issued ID number or the last four digits of the voter's Social Security Account Number
- Confidential voter identification number (if applicable)
- The date of every election that they voted in

- Indication of UOCAVA status (if applicable)
- Any information provided by the Wisconsin Department of Corrections
- Indication of any accommodation required to permit the person to vote
- Indication of the method of how the registration form was received
- Any information determined by the G.A.B. to facilitate administration of voter registration requirements

Wis. Stat. §6.33(5)(a) requires that any information pertaining to a voter's registration that changes on Election Day, including but not limited to a new or updated voter registration, as well as voter participation, be updated in SVRS within 45 days of a general election, or within 30 days of any election other than a general election. The G.A.B.'s Director and General Counsel may grant an extension to 60 days after a general election, upon the request of the municipal clerk.

The GAB-190 (formerly known as the EB-190) has been required since 1980 through the enactment of 1979 Assembly Bill 322. This law required municipalities to report certain statistics to their county, and the county was responsible for reporting these statistics to the State. WEDCS was developed and launched in 2008 using a grant from the EAC, and provides an electronic alternative to the paper version of the GAB-190 Form. The primary purpose of WEDCS is to improve the election data collection process for clerks in order to better meet Wisconsin and Federal statutory reporting requirements. However, WEDCS also provides the additional opportunity to compare data entered on the GAB-190 Form to what has been recorded in SVRS, allowing clerks to reconcile voter data after elections.

Sections 6.275 and 6.276 of the Wisconsin Statutes require municipal clerks and boards of election commissioners to provide several statistics to the county clerk or election commission, and to the G.A.B. *"within 30 days after each primary and election at which a state or national office is filled or a statewide referendum is held."* The G.A.B. uses these same criteria to determine whether or not a GAB-190 Form is required for an election. When you complete the GAB-190 in WEDCS, you are helping to meet multiple statutory requirements, without the need to create and exchange numerous paper forms. Wis. Stat. §6.276 also requires that the G.A.B. transmit all specified election data to the federal EAC.

G.A.B. Policies

Beginning with the April 3, 2012 Presidential Preference and Spring Election, the G.A.B. began collecting election cost data from each municipality and county. The G.A.B. amended the GAB-190 Form to include cost data. This was viewed at the time as the best available means of collecting the cost information. There is now a cost data section on the GAB-190 Form only for statewide elections. Reporting election cost data provides several benefits:

- Helps municipalities and counties convey the complete cost of conducting elections to their respective chief executives, governing boards and voters.
- Assists municipalities and counties in preparing and budgeting for elections.
- Enables the G.A.B. to more accurately inform the State Legislature whenever G.A.B. is asked to perform fiscal impact statements on pending and enacted election-related legislation.
- Enables the G.A.B. to inform the general public about the cost of conducting elections.
- Enhances the usefulness of election cost data when used in conjunction with other available data. For example, population statistics received from other State agencies, including the Wisconsin Department of Administration and the University of Wisconsin-Madison

Population Laboratory, can be applied to election cost data. These data may be used to analyze the current and future cost of elections based on the voting age population.

- Assists municipalities and counties in predicting election costs based on voting trends and projected turnout. Election cost information can also help identify potential cost savings.

Clerks are required to respond to requests received from the G.A.B. in accordance with Wis. Stats. §§5.05(14), 7.10(10), and 7.15(13), which state that the Board may request information from county and municipal clerks related to election administration, performance of electronic voting systems and voting machines, and the use of paper ballots in elections. The G.A.B. uses this authority to request election cost data, as well as to collect information to comply with a host of reporting requirements, including, for example, the 2010 and 2012 federal consent decrees regarding MOVE Act compliance. By doing so, the G.A.B. reduces the volume of requests for information clerks would otherwise receive from the federal government and other organizations and individuals.

Election law continues to grow increasingly complex, and election administration is attracting increasing attention from policymakers and the public. Making current and accurate elections data available provides context to the analysis of election issues and the anticipated consequences of proposals that would affect the conduct of elections. G.A.B. staff works hard to help clerks and local election officials navigate the complexities of elections and to reduce the burden of federal reporting requirements, increasing public records requests, and requirements of new laws. The G.A.B. continues to fully appreciate your cooperation in the data collection processes, as we work together to meet our reporting obligations.

If you have any additional questions about the election data reporting, please contact the G.A.B. Help Desk at GABHelpDesk@wi.gov, or (608) 261-2028.